IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

SUO MOTU CRI.APPLICATION NO.5 OF 1999

The Court on its own motion .. Applicant

Versus

Sunil Bhika Gujar and Ors. .. Respondents

Ms.M.M.Deshmukh, A.P.P. for State.

CORAM : S.C.DHARMADHIKARI, J.

DATE : 31st August 2006.

P.C.

. Office report states that the respondent No.7 - original complainant is served.

2. Perused the report submitted by the then Registrar to the learned Chief Justice and the

further report of the Additional Registrar which was treated as Suo-Motu application for transfer under section 407(1)(c)(ii) of the Cr.P.C.

3. The power of this Court to transfer cases has been invoked in this case because, according to office report, the parties are put to great inconvenience and even otherwise, nothing transpired within the jurisdiction of the Court at Chopda, so as to enable it to take cognisance of the complaint. Office report clearly demonstrates that the entire offence has occurred at Borivali, Mumbai which place is not within the jurisdiction of the Judicial Magistrate F.C., Chopda, Dist.Jalgaon. However, above Report is based on a case filed by P.S.O. Chopda in the Court of Chopda on 29th February 1996.

4. This matter was kept pending because the report from Chopda court was awaited. Now the report is forwarded and it is pointed out that

the case is still pending in Chopda court and it is on un-ready board. The informant/complainant Shubhangi is absent since 1999. In fact the informant Shubhangi had filed an application Exh.38 on 4th December 1999 praying for disposal of the case because in her submission the matter is amicably settled between her and her husband as also other accused. That application was rejected as the offence is under section 498-A and according to learned J.M.F.C. Chopda the same is not compoundable.

5. Although, the application is to transfer this case from Chopda to Mumbai, in the light of the report forwarded by the Civil Judge, Junior Division and J.M.F.C. Chopda so also perusing the annexures and relevant documents and in the light of the application made by the wife that she does not want to proceed with the case and the dispute is settled between her and her husband as also in laws, instead of transferring

the case to Borivali Court, interest of justice would be sub-served if entire proceedings in this criminal case are quashed in exercise of inherent powers of this Court. Considering that even otherwise the proceedings were an abuse of process of court so also in the light of subsequent development and settlement of matrimonial dispute, ends of justice would be met if the complaint itself is quashed. None can dispute that powers under section 482 are meant for this purpose and to prevent parties from being harassed in such a manner. Now that the entire chapter has been closed, the matter is worked out amicably, it would be fair, just and proper if the criminal complaint bearing No.20 of 1996 is quashed. Accordingly, the same is quashed. Suo-motu application disposed of accordingly.

(S.C.Dharmadhikari, J)